

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION
AMERICAN ARBITRATION ASSOCIATION
International Arbitration Tribunal

In the Matter of an Emergency Arbitration

Case Number: 01-24-0007-2924

BSB Industries LLC vs. Go North Group AB

SCHEDULING ORDER NO. 1

A scheduling conference in this matter was held today on Zoom and attended by:

Steven Stern, Esq. of Stern & Schurin LLP, 595 Stewart Avenue, Suite 510, Garden City, New York 11530, representing Claimant BSB Industries LLC

Jeffrey Chubak, Esq. Amini LLC, INTE Securities LLC, 131 West 35th Street, 12th Floor, New York, NY 10001, representing Respondent Go North Group AB, and

Peter J. Pettibone, Esq., 1158 Fifth Avenue, New York, NY 10029, Emergency Arbitrator duly appointed by the International Centre for Dispute Resolution (“ICDR”), a division of the American Arbitration Association (“AAA”).

Rafael Carlos del Rosal Carmona, Director, International Centre for Dispute Resolution, American Arbitration Association, 120 Broadway, 21st Floor, New York, NY 10271 was also on the call

The scheduling conference was called to schedule the next steps in an emergency arbitration following the submission by Claimant’s counsel Steven Stern on August 15, 2024 of (1) a Statement of Claim and Request for Emergency Relief with exhibits, (2) a Memorandum of Law in Support of a Motion for a Preliminary Injunction and Specific Performance and (3) a Declaration of David Berkowitz, a principal of Claimant, with exhibits.

The claim for emergency relief is being brought by Claimant under Rule R-39 of the AAA Commercial Arbitration Rules (Emergency Measures of Protection) in accordance with the arbitration agreement of the parties contained in Section 14.1 of the Asset Purchase Agreement effective as of April 1, 2023 (the “Agreement”). Pursuant to the Agreement Claimant sold to Respondent its business mainly consisting of selling toys and games online (the “Business”). Claimant alleges that Respondent breached the Agreement by failing to make payment of the Inventory Payment Earnouts (as defined in the Agreement) entitling Claimant under the terms of Section 11.1 of the Agreement to terminate the Agreement and require that Respondent transfer

back to it the Business including the assets described in Schedule 2.1A attached to the Agreement.

As Emergency Arbitrator I will be ruling on the issues relating to whether a breach of the Agreement has occurred and, if it has, whether the remedy of emergency measures requested by Claimant shall be granted, and they are, how the remedy of transferring the Business back to Claimant shall be carried out. Issues relating to damages, including any inventory payments to be made to Claimant, will be dealt with in the merits portion of the arbitration.

After discussion, the following schedule was agreed to:

- (i) by Tuesday, September 3, 2024 Mr. Stern will submit the forms of instruments of transfer that will be required to transfer all the assets included in the Business back to the Claimant, together with an explanation of the purpose of each such instrument;
- (ii) by Monday, September 16, 2024 Mr. Chubak will submit Respondent's reply to the submissions made by Claimant on August 15, 2024;
- (iii) by Wednesday, September 18, 2024 Mr. Stern may submit a response to Respondent's reply.

Under the agreement of the parties reached today during the scheduling conference I will decide on the claim for emergency relief on the basis of the written submissions without a hearing. I will endeavor to issue my decision as soon as practicable after Wednesday, September 18, 2024.

All submissions and any attachments thereto as well as any related correspondence from the parties shall simultaneously be transmitted by email to the other side, to me and to the ICDR.

No time extensions will be granted with respect to the foregoing schedule, except for good cause shown, as determined by me in my discretion, or as agreed by the parties.

I may, at my initiative, vary this Order if I consider that the circumstances so require for the proper consideration of the emergency application.

Respectfully submitted,

/s/ Peter J. Pettibone

Peter J. Pettibone

Emergency Arbitrator

August 21, 2024